

Student Complaints Procedure 2016/17

Appendices to the Procedure can be viewed at <http://www.soas.ac.uk/student-complaints/student-complaints-procedure.html>.

1. General

- 1.1 SOAS is committed to providing a positive experience for its students and hopes and expects that most students will be satisfied with its provision. The School recognises, however, that there will be occasions when a student is not satisfied. This procedure is part of the School's commitment to responding to students' complaints.
- 1.2 This procedure will be interpreted in line with the principles set out at Appendix 1.
- 1.3 This procedure is one of several SOAS procedures that set out how disputes between students and SOAS should be resolved. Students should read the guidance at Appendix 2 to establish which procedure applies to the situation they are complaining about. If in any doubt they should seek advice from the Interim Student Complaints Manager.

2. Direct resolution

- 2.1 Students must first attempt to resolve their concerns directly with the source of their complaint unless impractical to do so.
- 2.2 Direct resolution means speaking or writing to the person(s) that caused the grievance to give them the opportunity to respond. Individuals may not be aware that their actions have caused inconvenience or offence. There may be a misunderstanding that can be easily resolved by discussing it with the person(s) concerned.
- 2.3 If, following an attempt to resolve the complaint directly, the student remains dissatisfied, or if it is impractical to make such an attempt, they should then attempt to resolve their complaint informally through the appropriate local procedure.
- 2.4 Direct resolution should normally take no longer than 10 working days from first raising a concern. If it is taking longer than this, students should consider making an informal complaint.

3. Informal local resolution

- 3.1 Students who have attempted unsuccessfully to resolve their concerns directly with the person(s) concerned, or for whom this is impractical,

should make an informal complaint in writing to the relevant service or department.

- 3.2 Unless the service or department has published instructions on how to raise a complaint, students should make their complaint to the Head of Department or Professional Services Director whose department or directorate caused their complaint.
- 3.3 Informal complaints relating to harassment or equality/diversity issues should be handled under the relevant Respect at SOAS procedure (see Appendix 2).
- 3.4 Students should receive a response in writing to their informal complaint within 10 working days of submitting it. If they do not receive a response within this period, they should consider making a formal complaint. Pursuing direct and informal resolutions should normally take no longer than a month in total.
- 3.5 Should the student be dissatisfied with the response, they should consider making a formal complaint.

4. Formal complaint stage 1 – investigation

- 4.1 Where a student remains dissatisfied after attempting to resolve their complaint directly with the person(s) concerned and through informal local complaints procedures they may make a formal complaint to the Interim Student Complaints Manager in the Governance and Legal Services Directorate.
- 4.2 Formal complaints must be put in writing using the Student Complaints Form, found at Appendix 9 or the Student Complaints Procedure downloads section on the SOAS website.
- 4.3 On receipt of the student's written complaint the Interim Student Complaints Manager will acknowledge their complaint.
- 4.4 The Interim Student Complaints Manager will decide whether the student's complaint is valid, taking into account the principles in Appendix 1 and also whether the complaint would be better handled under one of the other procedures listed at Appendix 2. If the Interim Student Complaints Manager decides that the complaint is not valid, they will send the student a Completion of Procedures letter (see Appendix 7) explaining their decision, and that the student's only further recourse is to appeal to the Office of the Independent Adjudicator (OIA). If the Interim Student Complaints Manager decides that the complaint would be best handled under an alternative procedure, they will write to the student explaining this.
- 4.5 If the Interim Student Complaints Manager decides that the student's complaint is valid, they will appoint an investigator from a Faculty or

directorate that has had no previous involvement in the complaint. The investigator will be selected from the pool of nominated investigators who have all received training in investigating complaints (see Appendix 3).

- 4.6 The investigator will carry out an investigation of the complaint. Investigators should have reference to the guidance provided at Appendix 4.
- 4.7 The investigator will produce a report outlining how they have carried out the investigation, what evidence they have considered, and whether they uphold, partially uphold or reject the matters raised in the complaint. A template for the report is provided at Appendix 6.
- 4.8 If the complaint has been upheld or partially upheld by the investigator, the report should include a proposed resolution. Such resolution may include, but need not be limited to, some or any of the following:
- (i) Offering an apology to the student.
 - (ii) Making recommendations, e.g. for changes to policies or procedures, to the department and/or Faculty and/or School that might help to avoid similar problems arising in the future.
 - (iii) Following discussion with the Head of Registry, offering the student an academic resolution such as repetition of a course, resubmission of coursework, extension of deadlines or other exceptional waiving of regulations.
 - (iv) Offering a financial or other material award to the student.
 - (v) Recommending to Human Resources that appropriate disciplinary proceedings be commenced against a member of staff. If this recommendation is made, the Student Complaints Procedure is suspended at this stage, and if disciplinary procedures commence, it is terminated. Students should note that in normal circumstances they will not be told the outcome of a disciplinary process as such matters are confidential.

If the student indicated how they would like their complaint to be resolved, the investigator is not obliged to offer this resolution but must explain why they have decided to reject it. Guidance on the consideration of resolutions is provided at Appendix 5.

- 4.9 The decision at Stage 1 is the investigator's. Advice can be sought from the Interim Student Complaints Manager at any stage in the procedure by any party, but he or she cannot tell an investigator which decision they should reach. In the event of any dispute between staff members over the outcome of a complaint investigation, the Secretary will act as arbiter. The Secretary's decision will be final in such matters.

- 4.10 Once the report has been finalised it must be sent to the Interim Student Complaints Manager with any related correspondence and any evidence gathered during the investigation.
- 4.11 The Interim Student Complaints Manager will then send the report to the student, the subject(s) of the complaint (where appropriate) and the Head of the Department/Director of the Professional Service concerned. Unless there is good reason, this must happen within 40 calendar days of receipt of the complaint by the Interim Student Complaints Manager.
- 4.12 The student should write to the Interim Student Complaints Manager to indicate that they agree with the report and the recommendations made. If no response is received within 10 calendar days of the report being sent to the student, it will be assumed that the student agrees with the report. Once agreed by the student, the decision is binding on SOAS and members of staff have a duty to implement its resolutions.
- 4.13 The student may appeal against the outcome at Stage 1 if it appears to them that:
- there is evidence that the investigator failed to follow this procedure in a significant way that would have changed the outcome of the investigation and/or the resolutions proposed;
 - there is evidence that the investigator failed to consider or did not have access to evidence that would have changed the outcome of the investigation and/or the resolutions proposed; or
 - the conclusions of the investigator's report and/or resolution proposed are manifestly unreasonable.

Such an appeal must be made in writing, stating under which of the above grounds they are appealing, to the Interim Student Complaints Manager within 10 calendar days of the report being sent to the student.

- 4.14 The Interim Student Complaints Manager will decide whether the student's appeal is valid taking into account the grounds listed above. If the Interim Student Complaints Manager decides that the appeal is not valid, they will send the student a Completion of Procedures letter (see Appendix 7) explaining their decision, and that the student's only further recourse is to appeal to the Office of the Independent Adjudicator (OIA).

5. Formal complaint stage 2 – appeal

- 5.1 If the Interim Student Complaints Manager decides that the student's appeal is valid, he or she must notify the Director and ask him/her to nominate a Chair, who shall normally be a suitable senior member of staff not previously party to the complaint. If the Director is party to the

complaint, nomination shall be made by the Secretary in their capacity as secretary to the Governing Body.

5.2 The Interim Student Complaints Manager shall ensure the following actions are taken following receipt of the written appeal:

a) Inform all parties of the appeal and invite them to submit any further evidence they wish the Appeal Panel to consider; inform them of their right to be accompanied to the hearing by one friend, colleague or union representative as described in Appendix 1.

b) Set up a Panel to hear the appeal. The Appeal Panel shall consist of:

- the Chair;

- one member of the Academic Grievance & Disciplinary panel nominated by the Academic Board, or a Professional Services Director, as invited by the Chair of the Appeal Panel; and

- a sabbatical officer of the Students' Union or other SOAS student, nominated by the Students' Union. (The complainant may submit a request that no student representative be included on the panel, in which case the Chair may substitute a member of staff or other person at his/her discretion.)

c) The secretary to the Appeal Panel will be the Interim Student Complaints Manager (or their nominee if they are unavailable).

d) Any further evidence must be lodged with the Interim Student Complaints Manager in order that the Chair of the Appeal Panel can determine its relevance and whether it is to be considered by the Panel.

e) A date must be arranged for the Appeal Panel hearing which is convenient for the Chair, members of the Panel and the student, and all parties must be informed of it.

f) Any additional evidence submitted must be circulated to all parties.

g) The Interim Student Complaints Manager must be informed of the name of any person(s) attending the hearing in a supportive capacity.

h) The Appeal Panel hearing must be held.

5.3 The hearing shall be a review of the decision and not a rehearing of the original complaint.

5.4 The Chair has the power to regulate the procedure of the hearing within the spirit of this procedure, having regard to the rules of natural

justice (as set out in Appendix 1) and the need to maintain reasonable dispatch in the proceedings, and may, for example, decide on the following matters:

(a) Whether to invite witnesses or request additional information.

(b) Whether, when a number of students are bringing the same complaint, it would be reasonable to request that they appoint two of their number to represent the group at the hearing.

(c) Whether, in exceptional circumstances, the Panel should consider documents or hear evidence in the absence of any of the parties.

(d) Whether, in exceptional circumstances, to allow evidence to be considered which was not submitted in advance of the hearing, bearing in mind the right of all parties to have advance notice of any allegations made against them.

- 5.5 Following the Appeal Hearing, the panel secretary will draft a report of the Panel's conclusions and recommendations and circulate it to Panel members. Members may suggest amendments to the report, but the Chair's decision on such changes shall be final.
- 5.6 The Panel may decide to uphold, partially uphold or dismiss the appeal. If it upholds or partially upholds the appeal, a resolution (or revised resolution) must be proposed in line with 4.8 above and with reference to the guidance at Appendix 5.
- 5.7 The Chair of the Appeal Panel shall, within 40 calendar days of the student's appeal being received, and with the support of the Interim Student Complaints Manager, write to the student to inform them of the decision. This letter will follow the prescribed format for a 'Completion of Procedures' letter (see appendix 7) laid out by the Office of the Independent Adjudicator (OIA) and will be copied to the Director.
- 5.8 Unless there are specific confidentiality concerns (see Appendix 1), the Panel's decision will be reported to the respondent(s). Witnesses will not normally be informed of the outcome of the hearing but may be given information on the outcome at the Chair's discretion.
- 5.9 If the student accepts the proposed resolution this is binding on SOAS. The Interim Student Complaints Manager shall write to members of staff who are required to implement the resolution on behalf of the Chair within 7 calendar days of receiving the student's response, asking them to take any necessary action. Members of staff must respond to confirm what action they are taking within 14 calendar days of receiving written instructions from the Interim Student Complaints Manager.

- 5.10 The Panel's decision constitutes the final stage of SOAS' internal complaints procedure.

6 Office of the Independent Adjudicator (OIA)

- 6.1 At the end of the internal appeal procedure, the student has the right, if he or she so wishes, to submit a request for the School's decision to be reviewed by the OIA. The OIA provides an independent scheme for the review of student complaints under the Higher Education Act 2004. Further information on the OIA can be obtained from the Interim Student Complaints Manager, from the Students' Union and online at <http://www.oiahe.org.uk/>.
- 6.2 A student wishing to appeal to the OIA must do so within 12 months of receiving the 'Completion of Procedures' letter described in paragraph 5.7 above.
- 6.3 The role of the OIA is to consider whether or not the School has properly applied its regulations and followed its procedures, and whether or not the decision made by the School was reasonable in all the circumstances.
- 6.4 The OIA will use its own discretion in deciding whether or not to review the complaint.
- 6.5 If the OIA decides to review a complaint, it will seek further information from the School and may also request further information from the student. The School will co-operate with the OIA in any such requests and respond to them promptly, and will expect the student to do the same.
- 6.6 Once the OIA's investigating officer has concluded their investigation, they will issue a decision to the Interim Student Complaints Manager and the student, asking for further comments. The Interim Student Complaints Manager will circulate this to the Chair of the Appeal Panel, the Secretary and any SOAS staff members involved, for comment. Comments must be returned to the Interim Student Complaints Manager by the deadline set. The Interim Student Complaints Manager will then write to the OIA's investigating officer with SOAS's response as necessary.
- 6.7 The OIA will confirm their decision to the Interim Student Complaints Manager and the student. The Interim Student Complaints Manager will distribute this to the people listed at 6.6.
- 6.8 The Interim Student Complaints Manager will write to the student within the time specified by the OIA to offer any resolution recommended.
- 6.9 Once the student has accepted this offer, it will be accepted as binding on SOAS. The Interim Student Complaints Manager will write to the

relevant staff members, asking them to take any necessary action. Members of staff must respond to confirm what action they are taking or have taken within 14 calendar days of receiving written instructions from the Interim Student Complaints Manager. The Interim Student Complaints Manager will write to the OIA to inform them that the offer has been made, accepted and will be implemented.

Further Advice

Sources of help for students who wish or may wish to make a complaint:

- Interim Student Complaints Manager (email studentcomplaints@soas.ac.uk)
- Associate Deans
- Heads of Department
- Student's academic or personal tutor or supervisor
- Faculty Office
- Students' Union Welfare Services
- Diversity and Inclusion Manager
- Student Advice and Wellbeing or other areas of Student Services
- University Chaplaincy